

# **SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD**

## **EXECUTIVE OFFICER'S REPORT**

**July 12, 2002**

### **PART A**

#### **SAN DIEGO REGION STAFF ACTIVITIES** *(Staff Contact)*

##### **1. Personnel Report** *(Dianne Broussard)*

###### **Promotions**

Stacey Baczkowski was promoted to Senior Environmental scientist on June 20, 2002. Stacey is in charge of the Watershed Protection Unit Southern Region.

###### **Recruitment**

We are recruiting for Water Resources Control Engineers or Environmental Scientists in the Publicly Owned Treatment Works Compliance Unit, the Compliance Assurance Unit and the Water Quality Standards Unit. We are also recruiting for an Engineering Geologist, Associate Engineering Geologist or a Water Resources Control Engineer for the Land Discharge Unit. Recruitment is within the department only. All freeze exemptions were cancelled last month.

###### **Student Intern Program**

In FY 2002-03 we plan to allocate approximately \$213,840 for 16 student intern positions. Three of the positions are currently vacant. As soon as a budget is in place we will begin recruiting for those positions. The student intern positions are funded through the State Water Resources Control Board's contract with the Foundation for California Community Colleges (FCCC). Under this contract students currently enrolled in community colleges, colleges, and universities work on a part time basis in the Regional Board office. The assistance provided to Regional Board staff by these students is invaluable. Some of these students eventually come to work for the State or Regional Water Boards following graduation.

###### **Governor's Budget**

The FY 2002/03 Budget for the State of California has not been established.

##### **2. Visitors to the Office** *(DiAnne Broussard)*

During the month of May 2002, we received 340 visitors to the Regional Board office. During the month of June 2002, we received 238 visitors bringing the total so far this year to 1652. A total of 2386 persons visited the Regional Board office in 2001.

##### **3. Municipal Solid Waste Landfill Workshop** *(John Odermatt)*

On June 19, 2002, the Regional Board Land Discharge Unit hosted a workshop on "Optimizing Post-Release Waste Discharge Requirements at Municipal Solid Waste

Landfills.” The workshop was conducted in cooperation with the State Water Resources Control Board – Land Disposal Program. Mr. Edward Wosika (State Water Resources Control Board) conducted a seminar and led a discussion of this topic. Twenty-eight (28) individuals attended the workshop, including representatives from the regulated community (i.e., private, public agencies, and military), County/City LEA staff, and the Regional Board staff. The workshop was designed as an opportunity to educate the regulated community on required monitoring and remedial action (corrective action) programs at leaking MSW landfills. Evaluation and Assessment monitoring programs are required when a waste management unit has a confirmed release of waste constituents. Further remedial (corrective) actions may also be required based upon the results from the evaluation and assessment phase. The various phases of corrective action (covered during the workshop) are required programs pursuant to state (CCR Title 27) and federal (40 CFR, Pt. 258) regulations. The Regional Board LDU staff anticipates developing evaluation/assessment monitoring and/or corrective action requirements for a number of MSW landfills during FY02-03.

4. Presentation at San Diego County Farm Bureau Storm Water Workshop (*Eric Becker*)

On June 18, 2002, the San Diego County Farm Bureau conducted a workshop to familiarize the agricultural community with stormwater and runoff regulations. During the workshop, Mr. Eric Becker of your staff presented an overview of State and Federal requirements for controlling pollutants from agricultural activities. Staff explained the Non Point Source Program, agricultural waiver of waste discharge requirements, municipal stormwater requirements, and detailed the structural Best Management Practices (BMPs) requirements for nurseries. Staff emphasized pollution prevention, implementation of BMPs, and compliance assistance to avoid stricter regulation and enforcement by the Board. Other presenters at the workshop included staff from the County Agricultural Commission, Natural Resources Conservation Service, and University of California Cooperative Extension Program. The workshop garnered significant interest from the public and was attended by over 200 people.

5. City of Temecula Field-Based Research Program (*Barry S. Pulver*)

Barry Pulver of the Tank Site Mitigation and Cleanup Unit attended a meeting on June 14, 2002, with representatives of the State Water Resources Control Board (State Board), the Riverside County Department of Environmental Health (DEH), and Tracer Research Corporation (Tracer Research) to discuss the results of the State Board's Field-Based Research Program conducted in Temecula. The Field-Based Research Program is a statewide project to quantify the incidence and environmental significance of unauthorized releases from petroleum underground storage tank (UST) systems meeting the 1998 upgrade requirements. The testing was conducted using the Enhanced Tracer Tight® leak detection method, which can detect leak rates of 0.005 gallons per hour. This test consists of introducing a small amount of a "tracer" compound into the petroleum product in a UST system, waiting for a set period of time, then analyzing soil vapor samples from around the UST system for the specific "tracer" compound. Tracer compounds were detected in the soil vapor around 11 of the 13 UST systems tested in Temecula, indicating leaks from those systems.

The next step is for the station owners to find and repair the leaks in the UST systems identified by the tracer tests. We have asked for assistance from the Riverside County tank inspectors for this part of the project. Once repairs are complete, Tracer Research will conduct a second test to evaluate whether the repairs were successful in fixing the leaks. Regional Board staff will be reviewing the results of the tracer tests and requiring station owners to conduct soil and groundwater investigations to assess the impacts to water quality from the leaking UST systems. Our approach is to first investigate soil and groundwater impacts at stations with the most significant leaks that are close to water supply wells. The State and Regional Boards' collaborative effort in Temecula will provide important information on the environmental significance of vapor leaks from UST systems to the UST Program.

6. Public Workshop on Sediment Remediation Projects in San Diego Bay *(Tom Alo)*  
*(Attachment A-6)*

On June 18, 2002 Regional Board staff held a public workshop on current efforts to address contaminated marine sediments in San Diego Bay. Regional Board members in attendance were Vice Chairman Gary Stephany, Ms. Terese Ghio, Ms. Janet Keller, and Mr. Eric Anderson. Also in attendance were approximately 70 members of the public.

The purpose of the workshop was twofold: (1) provide information to the Regional Board members and to the public on current sediment assessment and remediation projects in San Diego Bay, and (2) receive and consider comments from the Regional Board members and the public on these projects.

Staff, Exponent (consultant for NASSCO and Southwest Marine Shipyards), the U.S. Navy, Southern California Coastal Water Research Project (SCCWRP), the San Diego Port District, and San Diego Bay Council made presentations at the public workshop. Specifically:

**Overview and Perspective**

David Barker of the Regional Board summarized the effects of sediment contamination, provided a historical perspective of contaminated sediment sites in San Diego Bay, discussed current and future projects in San Diego Bay, and presented the challenges faced with the remediation of sediments.

**Bight '98 Regional Monitoring Study – Results**

Steve Bay of SCCWRP summarized the goals of the Bight '98 study and provided information on sediment quality guidelines, the spatial extent of chemical contamination and toxicity in San Diego Bay sediment, and how San Diego Bay sediment compares to sediment from other bays in California.

**NASSCO and Southwest Marine Contaminated Sediment Assessment and Remediation**

- **Regional Board Approach:** Tom Alo of the Regional Board summarized recent activities on the shipyard study, presented an updated version of the Regional Board's June 1, 2001 shipyard guidelines titled "Guidelines for Assessment and Remediation of Contaminated Sediment in San Diego Bay at NASSCO and Southwest Marine Shipyards", and discussed San Diego Bay Council's issues on the shipyard study.
- **Environmental Group Perspective:** Representatives from San Diego Bay Council presented a historical perspective of the activities and decisions made regarding sediment contamination at NASSCO and Southwest Marine, discussed the legal and scientific justifications for cleanup to background sediment conditions at NASSCO and Southwest Marine, and provided their perspectives on the sediment quality data collected thus far at the shipyard sites.
- **Preliminary Results:** Tom Ginn of Exponent presented the goals for the site assessment study at NASSCO and Southwest Marine Shipyards, the Phase I Study Design, Phase I Study results (sediment chemistry, bioaccumulation, toxicity, and benthic community), and what to expect in Phase II of the study.
- **Southern California Coastal Water Research Project Perspective:** Steve Bay of SCCWRP presented different cleanup level approaches for contaminated sediment (Sediment Quality Indicator Characteristics, Weight of Evidence Approach, and the Triad Approach) and how the approach being taken at NASSCO and Southwest Marine Shipyards compares to these.
- **Resource Agency Perspective and Involvement:** Michael Martin of Fish & Game gave a presentation identifying who the Natural Resource Trustees are and their responsibilities, the Trustees' role in the site assessment study at NASSCO and Southwest Marine Shipyards, and the Trustees' assessment of the study thus far.
- **What's Next:** Craig Carlisle of the Regional Board outlined the next steps to be taken by NASSCO and Southwest Marine Shipyards in the ongoing site assessment study and provided a timeline for the completion of the project, noting the major milestones.

**Contaminated Sediment Containment**

- **Campbell Shipyard – Remedial Alternatives:** Paul Brown of the San Diego Port District presented the site remediation history at Campbell Shipyard, including the extent of sediment contamination and the main constituents of concern. The Port also presented four remediation alternatives for the former shipyard and the names of the remediation project's technical advisory committee.

- **Convair Lagoon PCB Cap:** Craig Carlisle of the Regional Board provided an overview of the site history, contamination, and remediation alternatives at Convair Lagoon. He also discussed the design of the cap used to contain the PCB contaminated sediment and the results of the current monitoring plan in place at Convair Lagoon, which shows PCBs from storm drains being deposited on the cap.

### **Bay Sediment TMDLs and Toxic Hot Spots Remediation**

- **Current & Upcoming TMDLs:** Alan Monji of the Regional Board gave a synopsis of the Bay Protection and Toxic Cleanup Program (BPTCP) results, a list of the toxic hot spots and TMDLs in San Diego Bay, the current approach for assessing toxic hot spots and TMDLs, and a schedule of present and future TMDLs for San Diego Bay.
- **Preliminary Results for Chollas Creek and 7<sup>th</sup> Street Channel:** Bart Chadwick of the U.S. Navy and Steve Bay of SCCWRP presented background information at these two toxic hot spots, the technical approach being taken (including a site conceptual model, sampling design and reference station selection), preliminary results (sediment chemistry, sediment bioassays, bioaccumulation, and benthic community analysis), and the next steps to be taken in this study.

### **DoD Sites – NASNI, Boat Channel, and NAB Coronado**

Charles Cheng of the Regional Board summarized the site history, identified the lead agency of the cleanup activities at each site, investigation results, and cleanup strategies currently being undertaken at these three Navy sites.

### **SLIC Sites - Solar Turbines & Goodrich Aerostructures**

Peter Peuron of the Regional Board presented a detailed analysis consisting of site history, sources of contamination, sediment and groundwater data, current site status, and the risk assessment approaches currently being undertaken at these two project sites.

Attachment A-6 is the agenda for the workshop. The presentation slides are posted on the Regional Board's website.

## **PART B** **SIGNIFICANT REGIONAL WATER QUALITY ISSUES**

### **1. Sanitary Sewer Overflows (SSO)** *(Victor Vasquez, Chiara Clemente, David Hanson, Bryan Ott)* *(Attachment B-1)*

In June 2002, there were 25 sanitary sewer overflows from public sewage collection systems reported to the Regional Board office; 17 of these spills reached surface waters or storm drains, and two resulted in closure of recreational waters. Of the total number of overflows from public systems, nine were 1,000-gallons or more. Regional Board staff has updated the sewer overflow statistics for each sewer agency by fiscal year since FY 1998-99 in the attached table (B-1a) entitled "Sanitary Sewer Overflow Statistics."

An additional 11 sewage overflows from private property were also reported in June, of which two were 1,000 gallons or more. Five of the private property spills reached surface waters or storm drains, but none resulted in closure of recreational waters.

Only trace amounts of rain were recorded at San Diego's Lindbergh Field in June. For comparison trace amounts of rain were recorded, and 40 public SSOs were reported in May 2002; in June 2001, trace amounts of rain were recorded, and 20 public SSOs were reported.

During the June 2002 Board meeting, the Regional Board asked staff to convey to all of the region's sewer agencies the Board's concerns regarding the high number of sewage spills from several sewer agencies. By letter dated July 3, 2002 (attachment B-1b), all sewer agencies in the region were made aware of the Regional Board's concerns and were notified of the sewer agency performance review that will be conducted by staff.

Staff has received some feedback from the sewer agencies regarding the letter. Specifically, the City of Laguna Beach commented that the table "Sanitary Sewer Overflow Statistics," which was included with the letter, does not reflect that sewer agency's performance improvement during fiscal year 2001-2002 based on number of sewer overflows per 100-miles of sewer lines. The statistic given in the table is calculated by dividing the total number of sewer overflows, during the entire 12-month period each fiscal year for each sewer agency, by the number of miles in each sewer agency's collection system. The table does not include data per 100-miles for the current fiscal year because, until the fiscal year is completed and all reports of sewer overflow have been received, that statistic cannot be meaningfully compared to the same statistic for previous fiscal years. Staff intends to gather additional information from specific sewer agencies regarding performance and report back the results to the Regional Board.

## 2. Total Maximum Daily Load (TMDL) Activities Update *(Alan Monji)*

Development work on seven TMDLs is currently underway in the Region. The stages of development vary widely. For example Rainbow Creek Nutrients and Chollas Creek Diazinon TMDLs have recently been presented to the Regional Board while an internal draft Problem Statement has just been developed for the Mission Bay Bacteria TMDL.

In addition, staff plans to initiate preliminary work on seven new sites in San Diego Bay during fiscal year 2002/2003. Each of the sites is Section 303(d) listed for sediment toxicity and degraded benthic communities. The first step will be to conduct a site assessment at each location to verify that the problem still exists and to characterize the spatial extent of the contamination. The next step is to identify the pollutant(s) responsible for the toxicity and community impairment. Only after the source of the contamination has been identified can a final decision regarding the best course of action for each site be made. Depending on the source, staff may proceed with development of a TMDL or may recommend a non-TMDL solution such as a cooperative cleanup agreement or an enforcement action. The seven new San Diego Bay locations include

“B” Street/Broadway Piers, Grape Street, Switzer Creek, Navy Submarine Base, Naval Station, Coronado Bridge, and 24<sup>th</sup> Street Marine Terminals.

**Rainbow Creek Nutrients TMDL** (*Lisa Brown, Alan Monji*)

The Regional Board conducted a public hearing to consider adoption of the proposed TMDL and Basin Plan amendment on May 8, 2002. At the hearing the Regional Board decided to leave the hearing record open and postpone further consideration of the matter until after the SWRCB adopts the 2002 statewide Clean Water Act Section 303(d) List of Impaired Waters. SWRCB adoption is expected in September 2002. Preparation of responses to comments and revisions to the draft TMDL is ongoing. Staff has consulted with USEPA and is in the process of scheduling additional meetings with the County of San Diego and other stakeholders to discuss their comments and concerns, and to work on an appropriate implementation plan.

**Chollas Creek Diazinon TMDL** (*Linda Pardy, Jimmy Smith*)

The Regional Board conducted a public hearing to consider adoption of the proposed TMDL and Basin Plan amendment on June 12, 2002. At that time the Board closed the oral public record but extended the written comment period by 15 days making clear that only comments on the latest changes to the June 12 draft would be accepted. Following the hearing, on June 20, staff met with key stakeholders to discuss the latest changes to the June 12 draft and to address additional stakeholder concerns and questions. Three comment letters were received by the June 27 deadline to which staff is currently developing written responses. The Regional Board will reconsider adoption of the draft TMDL at the August 14, 2002 meeting however further public comment will not be accepted.

**Shelter Island Yacht Basin Dissolved Copper TMDL** (*Lesley Dobalian, Christina Arias*)

The draft Technical TMDL and Implementation Plan has been developed and is awaiting internal review. Copies of the draft have also been submitted to USEPA and SWRCB staff for review. Upon completion of these reviews, the draft technical TMDL will undergo formal scientific peer review. Staff is currently in the process of drafting the Basin Plan amendment and tentative Resolution.

Staff attended the second meeting of the San Diego Advisory Committee for Environmentally Superior Antifouling Paints on June 14, 2002. Participants discussed the proposed research plan and provided guidance on what should be included in the final economic incentive report. The draft report will be developed by UCSD economics professor, Dr. Richard Carson, and distributed to committee members in early September to allow for comments by the final committee meeting on September 19, 2002. The report will be submitted to the State legislature by December 31, 2002.

The UC Sea Grant Cooperative Extension is in the process of developing a public outreach video on nontoxic antifouling paints. Staff was interviewed about the Shelter Island Yacht Basin TMDL for the video, which is expected to be released within one year.

**Chollas Creek Metals TMDL** (*Linda Pardy, Jimmy Smith*)

The draft Problem Statement, Numeric Targets, and Source Analysis have been submitted to USEPA for review and are posted on the Regional Board web site. So far, USEPA has only minor comments on these drafts. The Industrial Environmental Association (IEA) has also provided comments. Drafts of the Load Allocations, Linkage Analysis, and Margin of Safety have been developed but are in need of revision in light of new data. Progress on this TMDL has been suspended due to the loss of a key TMDL staff member. Work is expected to resume during fiscal year 2002/2003.

**Mission Bay Bacteria TMDL** (*Christina Arias, Lesley Dobalian*)

The draft Problem Statement and Numeric Target components have been developed and await internal review. TMDL development for Mission Bay includes the oversight of an extensive epidemiology study. The epidemiology study will be conducted by Southern California Coastal Water Research Project (SCCWRP) and is funded by the State's Cleanup and Abatement Account and a City of San Diego Supplemental Environmental Project (SEP). The first meeting of the Steering Committee for this study was held on June 5, 2002 and included Regional Board staff as well as scientists from SCCWRP, USEPA, Heal the Bay, and San Diego State University. The objective of the meeting was to determine specific goals for the epidemiology study and to plan the preliminary study stages. The next meeting for this Steering Committee is scheduled for July 18, 2002.

**San Diego Bay / Near Chollas Creek Contaminated Sediment TMDL** (*Alan Monji, Tom Alo*)

The spatial extent and magnitude of contaminated sediment investigation, also known as Phase 1, in the Chollas Creek Channel is nearly complete. Initiation of Phase 2 will include resampling selected severely impacted locations within the Chollas Creek Channel and beginning work on a toxicity identification evaluation or TIE. The TIE identifies the pollutant(s) that is causing the impairment at Mouth of Chollas Creek. It is anticipated that the TIE will begin in July or August 2002 and be completed in February 2003.

**San Diego Bay / Seventh Street Channel Contaminated Sediment TMDL** (*Tom Alo, Brennan Ott*)

The spatial extent and magnitude of contaminated sediment investigation, also known as Phase 1, in the Seventh Street Channel is nearly complete. Initiation of Phase 2 will include resampling selected severely impacted locations within the Seventh Street Channel and beginning work on a toxicity identification evaluation or TIE. The TIE identifies the pollutant(s) that is causing the impairment at Seventh Street Channel. It is anticipated that the TIE will begin in July or August 2002 and be completed in February 2003.

**"B" Street/Broadway Piers, Grape Street, Switzer Creek** (*Brennan Ott, Alan Monji*)

Staff has committed all of the Region's fiscal year 2001/2002 TMDL contract funds to the site assessment/characterization at these three San Diego Bay contaminated sediment sites. Scientists from the University of California at Davis, who will conduct the



assessment, have submitted a draft sampling plan. Staff is currently reviewing the sampling plan and working with the SWRCB to secure the contractual arrangements under a statewide UC master contract. Meetings with the San Diego Unified Port District and City of San Diego regarding cost sharing for the site characterization and sample design are also underway.

**Navy Submarine Base and Naval Station** *(Brennan Ott, Alan Monji, Tom Alo)*

A meeting with U.S. Navy representatives is tentatively scheduled for July 2002. The purpose of this meeting is to begin discussions regarding contaminated sediment adjacent to the Navy Submarine Base and Naval Station on San Diego Bay.

**Coronado Bridge and 24<sup>th</sup> Street Marine Terminal** *(Brennan Ott, Alan Monji, Tom Alo)*

Staff plans to commit all of the Region's Fiscal Year 2002/2003 TMDL contract funds to the site assessment/characterization at these two San Diego Bay contaminated sediment sites. Later this year staff will initiate preliminary work on the contractual arrangements.

**3. Clean Water Act Section 401 Water Quality Certification Actions Taken in June 2002**  
*(Stacey Baczkowski)*

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	CERTIFICATION ACTION
6/27/02	Route 252 Joint Venture	252 Residential Phase II	Redevelopment of abandoned State Route 252 corridor, with construction of 62 single family detached dwelling units within the Southcrest Redevelopment Project Area.	Conditional
6/26/02	City of San Diego	Adobe Falls Revegetation Project	Enhance 3.2 acres of wetland habitat and 0.5 acres of upland habitat occurring within the Adobe Falls Open Space Park	Conditional
6/20/02	City of Encinitas	Cottonwood Creek Park	Construction of an 8 acre park with turf grass, natural trails, play equip, parking, tennis & basketball courts, picnic tables, restrooms, & caretaker facility.	Conditional
6/20/02	Brookfield Montecito, LLC	Montecito Subdivision	Development of 152.6 acres of 278.1 acres into a residential community. The project avoids and preserves all 0.28 acre of wetlands on site. The project will fill 0.42 of 0.82 acre of ephemeral waters.	Conditional
6/20/02	Padre Dam Municipal Water District	Harbison Canyon Water Line Extension	Extend an existing water line approximately 80 feet to connect to a water line in Harbison Canyon Road.	Standard
6/19/02	Caltrans	Culvert	Replace culvert under State	Standard

		Replacement	Route 76 and repair pavement.	
6/18/02	City of San Diego	Chaparral Canyon Revegetation Project	Restore 3.8 acres in Chaparral Canyon including the creation of willow scrub and mulefat scrub habitat	Conditional
6/13/02	County of Orange	J01P28 Drainage Ditch Reconstruction	Dilate the occluded J01P28 drainage ditch by trimming and removing overgrown willow roots and breaking up and removing the existing riprap within the unlined ditch.	Standard
6/12/02	County of Orange	Rancho Potrero Leadership Academy	Construction of a new access road (approximately 2.7 miles long with a 28-foot cross-section).	Conditional
6/10/02	Community Housing of North County	Alturas Road	Development of a vacant 4.25 acre site for residential use including an apartment complex and day care center.	Standard

Public notification of pending 401 Water Quality Certification applications can be found on our web site at [http://www.swrcb.ca.gov/rwqcb9/Programs/Special\\_Programs/401\\_Certification/401\\_certification.html](http://www.swrcb.ca.gov/rwqcb9/Programs/Special_Programs/401_Certification/401_certification.html).

#### 4. USMC Camp Pendleton Status of Compliance/Ocean Outfall (*Chiara Clemente*)

In August 1999, the Regional Board issued Cease and Desist Order No. 99-41 to USMC (Base) Camp Pendleton for multiple permit violations of the effluent from the wastewater treatment facilities discharging to the Santa Margarita River (Plant Nos. 1, 2, 3, & 13). This enforcement order requires the discharger to implement both short-term and long-term compliance plans. For the short-term plan, the discharger has proposed the discharge of its combined wastewater flow to the Oceanside Ocean Outfall (OOO). This discharge to the OOO would terminate the discharge of wastewater to the Santa Margarita River, until the Base completes construction of the facilities necessary to come into compliance with their permit limitations. The short term plan to discharge to the OOO is considered temporary since the permanent removal of the wastewater discharge to the Santa Margarita River is not favored by the discharger or other regulatory agencies (i.e. USFWS) because of possible negative impacts to the river's riparian habitat.

Changing the point of discharge of the effluent, from the Santa Margarita River to the ocean, would eliminate some, but not all, effluent violations. Many of the constituents in violation would no longer be of regulatory concern in an ocean discharge due to the nature of the receiving waters. There are no water quality standards established in the California Ocean Plan, for TDS, nutrients, color, manganese or MBAS. The only constituents that would remain in violation would be Biochemical Oxygen Demand (BOD), and possibly whole effluent toxicity.

Currently, all of the 4 treatment plants remain non-compliant with the chlorine, TDS, and nutrient (total nitrogen and phosphorous) limitations. Despite recent equipment upgrades, Plant Nos. 3 and 13 remain non-compliant with toxicity limitations and federal secondary treatment standards for BOD. Additional constituents of non-compliance at these plants include manganese, MBAS, turbidity, color, and dissolved oxygen. As of July 2001, the Base completed the necessary construction to collect the effluent from all 4 plants (approximately 3.6 MGD) and discharge it to the Oceanside Ocean Outfall. However, a discharge permit to the Ocean has not been requested by the discharger, and the discharge can not commence, because the existing agreement with the City of Oceanside requires that the Base discharge effluent to the OOO that is compliant with its permitted limits.

With regards to the long-term compliance plans, staff has been participating in National Environmental Policy Act (NEPA) agency consultations to discuss various treatment and disposal alternatives. A recent third-party lawsuit has persuaded the discharger to reconsider numerous disposal alternatives. However, this process may delay the Base's schedule for achieving compliance.

Staff conducted joint inspections on the collection and treatment facilities with USEPA staff in February and March of 2002. The most notable issue on these inspections was the lack of staffing necessary to oversee the facilities.

5. Developments in the City of Laguna Beach (*Jeremy Haas*)

At the June Board meeting, Ms. Penny Elia reported during forum that proposed development projects under review by the City of Laguna Beach would inconsistent with the MS4 permit (R9-2002-01). Mr. Stephany requested staff to report on the item. The development she referred to is called Driftwood Estates. There is no 401 certification application, yet, for this project, but the Los Angeles Times had reported on the project in late May. The current proposal is for 15 lots on 10.5 acres and 200 open space acres, but would require significant stream alteration of Hobo Creek. The City planning staff notes that altering the creek would require a variance to the general plan policies. The City engineer concluded that altering the creek and installing a catch basin and storm drain would be in the interest of public safety because of decreased flooding. City staff recommends approving the EIR if the developer agrees to reduce the number of lots and not encroach on the stream or other sensitive areas. The local Sierra Club wants City to seek Prop 40 funds to buy the property. A special planning commission hearing on the proposal for a variance was held on June 26 and continued until July 26.

6. San Diego Municipal Storm Water Permit Update (*Phil Hammer*)

Regional Board staff has completed its review of each of the twenty San Diego Copermittees' Jurisdictional Urban Runoff Management Plans (JURMPs). These plans describe each Copermittee's planned activities to address urban runoff within their jurisdictions. Following meetings with each Copermittee to discuss their JURMP, staff sent each Copermittee a letter detailing the findings of the review of their JURMP. In all cases, the letters identified deficiencies with the JURMPs and requested additional information and appropriate revisions of the JURMPs. However, as a whole, the

JURMPs were found to be favorable and exhibit positive progress overall by the Copermittees. The revised JURMPs should provide useful frameworks for the implementation of effective urban runoff programs. Only one Notice of Violation (issued to the City of National City) was sent out for failure to submit an adequate JURMP.

As part of staff's compliance program, staff has begun inspections of the Copermittees' municipal yards, where the Copermittees typically store and conduct maintenance on municipal equipment and vehicles. As a result of one inspection, the City of La Mesa was issued a Notice of Violation for failure to implement adequate best management practices and prevent illicit discharges at its municipal yard. These compliance inspections will continue throughout the summer.

7. Eastern Municipal Water District Proposed Discharge to the Santa Margarita River  
(Chiara Clemente)

On June 10, 2002 staff from Eastern Municipal Water District (EMWD) met with Regional Board staff to discuss the potential for discharge of treated effluent from the Temecula Valley Regional Water Reclamation Facility (TVRWRF) to the Santa Margarita River. Staff from USMC Camp Pendleton, Rancho California Water District (RCWD), and Fallbrook Public Utilities District were also in attendance, along with staff from Region 9 US EPA.

The TVRWRF currently treats and reclaims an average of 8.0 MGD of domestic wastewater, and disposes of the highly treated reclaimed water via percolation and irrigation in areas of both the San Diego region and the Santa Ana region to the north. The facility's service area is expanding rapidly, and EMWD is looking to provide added treatment and disposal capacity for the projected increased wastewater flows. The two surface water disposal sites that EMWD is currently considering are the Santa Margarita River, via Murrieta Creek tributary, in our region and Temescal Wash, tributary to the Santa Ana River with the Santa Ana region. The District has reported that they would prefer to discharge tertiary treated wastewater to the Santa Margarita River, thus keeping the treated wastewater within the Santa Margarita River watershed.

Currently, part of the existing flow of wastewater from EMWD is routed to the Rancho California Water District's Santa Rosa treatment plant for tertiary treatment and discharge to Murrieta Creek.

RCWD's discharge of 2.0 MGD to Murrieta Creek has occurred for the past 5 years as a pilot project. The discharge is regulated by a NPDES permit whose effluent limitations for nutrients are currently under review for full conformance with the Basin Plan's objectives. A renewed permit for RCWD, to be considered by the Board in the near future, is likely to contain more stringent nutrient limitations commensurate with the Basin Plan objectives.

RCWD, like EMWD, is in need of added treatment and disposal capacity. Both districts are considering the impact on their existing and future facilities if more stringent nutrient

limitations are imposed in accordance with the Basin Plan. USEPA and the Regional Board have discussed with EMWD the option of developing site specific nutrient objectives that would be protective of beneficial uses but possibly less stringent than the Basin Plan objectives.

Nutrient levels in the Santa Margarita River and its tributaries are an increasing concern for the Regional Board and USEPA. In March 2002, Board staff recommended that Murrieta Creek be added to the list of 303(d) impaired water bodies due to elevated phosphorous concentrations.

8. City of Santee, Forester Creek Flood Control Project (*Mike Porter*)

The City of Santee (City) is proposing to improve Forester Creek, from the Prospect Street Bridge to the Mission Gorge Road Bridge, to provide 100-year flood protection and to facilitate the construction of the State Route 52 extension from its current terminus at Mission Gorge Road to State Route 67. Regional Board staff have met with the City of Santee (City) and their consultants on March 27, May 30, and June 26, 2002, to discuss options to improve Forester Creek that would also protect water quality and beneficial uses. The City's original preferred alternative consisted of a combination of a wider natural channel in the upper portion of the project area and a concrete lined channel in the lower portion of the project area. In meetings with the City, Regional Board staff discussed the expected impacts to water quality and beneficial uses that would result from the City's original, preferred alternative, and recommended the construction of a fully unlined creek that would protect water quality and beneficial uses. During the June 26, 2002 meeting, the City presented revised plans that showed a fully unlined, widened, restored creek that accommodates a 100-year flood volume, allows for natural vegetation, and protects water quality and beneficial uses.

To date, the City has not submitted an application for section 401 Water Quality Certification. Regional Board staff had originally anticipated bringing the certification before the Board at a later date; however, based on the revised design, staff no longer anticipate bringing the proposed project before the Board.

9. Orange County MS4 Copermittee Meetings (*Megan Fisher*)

Regional Board staff members in the Northern Watershed Protection Unit have attended three Orange County MS4 subcommittee meetings to encourage the municipalities to develop effective Jurisdictional Urban Runoff Management Plans (JURMPs). At this time, the copermittees have decided to develop one model management plan that would address the MS4 permit requirements of both the San Diego and Santa Ana regions. The engineering firm, Camp, Dresser and McKee has been contracted to draft the plan, and the copermittees have formed several subcommittees to oversee the preparation of specific portions of the proposed plan. During May and June staff attended meetings of the Municipal, Development Planning and Construction, and Existing Development subcommittees.

At each meeting, staff presented examples of relevant sections from several of the JURMPs recently submitted by the San Diego copermittees and urged the Orange County copermittees to build upon the work already completed in San Diego. Staff pointed out to the group that the approach described in each submittal was slightly different, tailored to the meet the need of the individual city, but that each submittal was found to provide a foundation to develop an effective program. Staff pointed out to the copermittees that their proposed one-plan approach may not provide the level of flexibility they believe they need.

Staff plan to continue to meet regularly with the Orange County copermittees during the remainder of the calendar year, as time allows, to facilitate the JURMP development process. Staff has offered to meet with the copermittees as a group or individually. To date, three copermittees have responded, each indicating that a group meeting is preferable.

10. Riverside County MS4 Permit Status (*Megan Fisher*)

The Riverside County MS4 Permit (Regional Board Order No. 98-02), covers four Copermittees in the upper Santa Margarita Watershed--the County of Riverside, Riverside County Flood Control and Water Conservation District, and the Cities of Temecula and Murrieta. The current permit, which became effective May 30, 1999, was issued by the US Environmental Protection Agency (USEPA), after the agency rejected the Regional Board's tentative permit for containing a "Safe Harbor" clause that sheltered municipalities from enforcement actions when violations of water quality standards occur. Although the USEPA permit requires compliance with water quality standards, it is otherwise not readily enforceable. Regional Board staff has recently reviewed annual report submittals and cannot determine program effectiveness or Copermittee compliance with the permit because of the lack of specific permit requirements and reporting detail.

Furthermore, the current permit is based on the implementation of the Drainage Area Management Plan (DAMP), which has not been updated since 1993 and has been shown not to be protective of water quality to the maximum extent practicable. At the June 12, 2002 Regional Board Meeting, Dr. Richard Horner, PhD, a research professor at the University of Washington in Seattle, testified that the DAMPs for Orange County and Riverside County are not only outdated, but also inadequate to protect aquatic resources in many aspects. Although the Orange County DAMP, which is similar to Riverside County's, was updated in 2000, the Regional Board members chose to replace the DAMP with the recent adoption of the requirements contained in the new MS4 Permit for Orange County.

Recently, Regional Board staff has increased the oversight of the Riverside County MS4 permit. In April, the City of Temecula received a Notice of Violation for the nonsubmittal of their 2000-2001 annual report, and a Sec. 13267 request for information to all Copermittees requesting detailed information in the next annual report, due this coming September. Also, in March 2002 staff sent a letter reminding Riverside Copermittees of the upcoming renewal of their permit in November 2003, with the strong

recommendation that they refer to the recent San Diego and Orange County permits as guidance for probable new requirements.

Most importantly, southwest Riverside County is rapidly urbanizing, the population is expected to double between the years 2000-2020. New development is occurring without adequate requirements to protect receiving waters from the impacts of urban runoff. It is critical that the Riverside Copermittees begin implementing effective storm water management and mitigation measures as soon as possible and not wait until the permit renewal in November 2003. Regional Board staff has developed guidance that encourages the Copermittees to begin developing a management plan, equivalent to a JURMP in San Diego County, as part of their permit application that could be implemented immediately when the new permit is adopted. Staff intends to meet regularly with Copermittees and make every effort to facilitate the permit renewal process. Additionally, staff is exploring various options in obtaining from the Riverside Copermittees needed water quality monitoring data prior to the permit renewal.

11. House Bill 3673, Recreational Waters Protection Act (*Pete Michael*) (*Attachment B-11*)

On May 17, 2002 the Executive Officer sent a memorandum to the Executive Director requesting the State Board review and take an active role in commenting on H.R. 3673 (Rep. Jim Saxton, New Jersey). Regional Board staff prepared a bill analysis package to assist the State Board. If the Recreational Waters Protection Act becomes law, the states would lose the ability to implement stronger water pollution programs than federal regulations allow, and water quality in marinas could be expected to deteriorate. The bill would allow overboard pumping of partially-treated sewage into marinas from recreational boats while the boats are still tied to the dock.

Under section 312(f)(3) of the Clean Water Act, states may apply for no-discharge of sewage zones in marine waters if additional protection is needed and if adequate sewage pump-out facilities are available. In 1976, USEPA granted the San Diego Region four no-discharge zones: Dana Point Harbor, Oceanside Harbor, Mission Bay and waters up to 30 feet deep in San Diego Bay. H.R. 3673 would allow an unproven technology called the Type IA marine sanitation device to be used in no-discharge zones. The Type IA unit is a chlorinator-macerator which grinds sewage until it no longer appears to be sewage. Negative effects on water quality in marinas could include odors, nuisance seaweed growth, decreased water quality, increased bacterial counts, and increased toxicity. Economic effects could include damage to the seafood industry if the public perceives harbor waters are contaminated, and increased costs to boaters if commercial divers refuse to operate in a contaminated environment. The State Board is processing the request for action and may coordinate state comments with the Coastal Commission and Department of Boating and Waterways (see attachment B-11). The Executive Officer of the Santa Ana Region in June also sent a request for action to the State Board.

12. Status of Supplemental Environmental Projects (SEPs) Report (*Rebecca Stewart & Mark Alpert*)

In the May 2002 EO report, staff provided a status report on Supplemental Environmental Projects (SEP) approved by the Regional Board. Subsequently, we plan on providing the Regional Board with status reports on a quarterly basis, with the next report planned for August 2002.

Since 2000 the Regional Board has approved 10 SEPs by the City of San Diego (8 for the Adobe Falls sewage spill (ACL Order No. 2000-103), and 2 additional SEPs for the Tecolote Creek sewage spill (Order No. 2001-174). The conditions for completing the SEPs established in ACL Order No. 2000-103 were based on the applications submitted by the City and provide virtually no flexibility for modification or adjustment of the projects. Consequently, any deviation in the project or time schedule to complete the project, regardless of intent or circumstances, would result in the default of the SEP and require the City to submit a payment to the Cleanup and Abatement Account equal to the total project cost. At this time, staff is aware of at least one project that may fall into this category.

Staff is expending a significant amount of resources monitoring the progress of the projects and working with the City and other interested parties to ensure the satisfactory completion of all SEPs. A more detailed assessment of the SEPs will be provided with the August quarterly status report.

### 13. SWRCB Proposed Effort to Develop Sediment Quality Objectives (Tom Alo)

(Attachment B-13)

A recent court decision (*San Francisco BayKeeper, Inc. v. State Water Resources Control Board*, August 2001) ordered the State Water Resources Control Board (SWRCB) to adopt sediment quality objectives (SQOs) pursuant to the 1991 SQO workplan developed under the Bay Protection and Toxic Cleanup Program (BPTCP). On April 15, 2002, the Court approved a Settlement Agreement between the SWRCB and San Francisco BayKeeper that requires the SWRCB to comply with the following schedule:

- Adopt a SQO scoping document or revisions to the 1991 SQO Workplan by June 30, 2003.
- Complete and circulate draft sediment quality objectives and related implementation policy by August 5, 2005.
- Adopt and submit to Office of Administrative Law all final SQOs and related implementation policy by February 28, 2007.
- Conduct annual workshops to report on the status of the development process.

The current effort proposed by the SWRCB to develop sediment quality objectives focuses on evaluating the risk to benthic organisms under the assumption that by protecting these communities, higher trophic levels will also be protected. The SWRCB is preparing a contract with the Southern California Coastal Water Research Project (SCCWRP) to:



- Convene a science advisory group to evaluate all existing approaches to sediment assessment and to advise the SWRCB and SCCWRP how to proceed.
- Amend or revise as necessary the 1991 SQO workplan.
- Develop a database containing all marine and estuarine sediment monitoring data and to provide the scientific basis for development of sediment quality objectives.
- Refine Benthic Community Assessment Tools.
- Develop SQOs and Implementation Plan.
- Prepare Guidance manuals for Sediment Quality Assessment.

Attachment B-13 is a document from Chris Beegan of the SWRCB that provides background information on the court decision, the settlement agreement, and the State Board's proposed effort to develop sediment quality objectives.

14. *Caulerpa taxifolia* Eradication and Prevention Activities (Lesley Dobalian)  
(Attachment B-14)

**Eradication and Surveillance Status Update**

Eradication and surveillance efforts continue in Agua Hedionda Lagoon (AHL) and Huntington Harbour (HH). The spring 2002 quarterly survey was recently completed at AHL, and the summer 2002 quarterly survey has begun. The spring survey at AHL resulted in the identification of four occurrences of *Caulerpa taxifolia*, approximately 0.5 m<sup>2</sup> in area, in the east basin. These occurrences were located in close proximity to previously identified patches. The newly identified occurrences were contained under a tarp and treated with chlorine. Surveys of the west and middle basins found no *C. taxifolia* in those areas. Some limited surveillance offshore of AHL was also conducted, and no occurrences of *C. taxifolia* were identified. Attachment B-14 contains maps of the infestation at AHL, including a map of the occurrences identified in the Spring 2002 survey, and a map showing the full extent of *C. taxifolia* since it was first identified at AHL.<sup>1</sup>

The spring 2002 quarterly survey was also conducted at Huntington Harbour. In the west pond, divers identified one occurrence of *C. taxifolia*, approximately 0.06 m<sup>2</sup> in area. It was contained under a tarp and treated with chlorine. In the east pond, multiple occurrences, very small in area, were identified both on the top of existing tarps and in close proximity to tarps. These occurrences often consisted of only a single thallus. The *C. taxifolia* growing on the tarps was removed manually by hand-picking, and the *C. taxifolia* growing near the tarps was contained under tarps and treated with chlorine. These areas will be closely monitored for re-growth.

**Oversight**

SDRWQCB staff continue to participate in and chair the Southern California *Caulerpa* Action Team (SCCAT) meetings. The SCCAT steering committee consists of representatives from the San Diego and Santa Ana Regional Water Quality Control Boards, California Department of Fish and Game, US Department of Agriculture, and

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<sup>1</sup> At the request of SCCAT, the eradication contractor, Merkel and Associates generated the maps, which were distributed on June 17, 2002 to SCCAT representatives.

National Marine Fisheries Service. Representatives from other organizations also participate in SCCAT. The SCCAT's primary responsibility is to oversee eradication and provide guidance on related efforts. The SCCAT meets approximately every six weeks, and the most recent meeting was held on July 2, 2002 in San Diego. The technical subcommittee of SCCAT, which focuses on eradication research and science, also met on May 22 in Sacramento. In addition, the outreach subcommittee met on June 5 in San Diego to discuss current outreach and education priorities.

The California Department of Fish and Game coordinated a statewide planning meeting on May 21, 2002 in Sacramento with various agencies involved in the *C. taxifolia* efforts. Barbara Evoy, Chief of the SWRCB Division of Clean Water Programs, attended the meeting, as did SDRWQCB staff. The agenda included an update of ongoing treatment efforts in southern California, a summary of the International Scientific Review Panel's recommendations on eradication efforts in California, and discussions regarding ongoing outreach, prevention and research efforts and long-term program needs, including funding.

### **Research Activities**

SDRWQCB and SWRCB staff continue to work with the United States Department of Agriculture (USDA), to develop a contract and scope of work to encumber \$600,000 of Clean Water Act 319(h) funds obtained from the SWRCB in 2001 for research on eradication methods in high-energy coastal environments.

### **Funding Update**

Funding for current eradication and surveillance efforts at AHL was provided by a Cleanup and Abatement Account grant awarded by the SWRCB in November 2001 to the City of Carlsbad. The City of Carlsbad has executed a contract with the contractor, Merkel and Associates, to continue with eradication activities. Eradication oversight is provided by SCCAT. These funds are expected to run out in fall, 2002.

Numerous grant proposals have been prepared at the direction of Cabrillo Power Company, on behalf of the Agua Hedionda Lagoon Foundation to support eradication efforts at AHL. The following grants were awarded:

- NOAA Fish America Foundation: \$30,000
- NOAA Community Based Restoration Program: \$50,000
- National Fish and Wildlife Foundation: \$20,000

In addition, a grant proposal submitted to the Southern California Wetlands Recovery Project for \$1,000,000 is ranked as a high priority to receive funding. A Clean Water Act 319(h) grant proposal requesting \$500,000 was also submitted to SWRCB on June 14th, 2002. It is estimated that current eradication and surveillance efforts at Agua Hedionda Lagoon cost approximately \$1.1 million per year.

### **Public Outreach Activities**

On June 11, 2002, the Agua Hedionda Lagoon "Interim Management Plan" (Plan) was presented for consideration to the Carlsbad city council by SCCAT and recreational user

representatives of AHL. The Plan represents a joint effort by SCCAT and recreational users of the lagoon to enable eradication and surveillance efforts to proceed in a safe and effective manner and reduce the risk of spreading *C. taxifolia*, while allowing for continued recreational use of the lagoon to the extent practicable. The city council voted unanimously to adopt an ordinance to put the Plan into effect. Enforcement of the plan will be carried out by the City of Carlsbad police department and the California Department of Fish and Game. The Plan and associated weekly schedule updates are posted on the City of Carlsbad web site and the SDRWQCB web site ([http://www.swrcb.ca.gov/~rwqcb9/News/Caulerpa\\_taxifolia/caulerpa\\_taxifolia.html](http://www.swrcb.ca.gov/~rwqcb9/News/Caulerpa_taxifolia/caulerpa_taxifolia.html)).

Other outreach efforts include the development of a wallet-sized *C. taxifolia* "watch card" that will be distributed to the public to assist in identification of the alga. The watch card contains a photo of *C. taxifolia* and a brief description of relevant facts. SCCAT representatives at the UC Cooperative Extension at UC Davis developed the watch card through funding provided by the California Department of Fish and Game. In addition, SDRWQCB staff is in the process of developing updated public outreach brochures and posters.

15. Landfills (Attachment B-15)

**San Marcos Landfill – Closure** (Carol Tamaki and John Odermatt)

On May 31, 2002, the Regional Board received a revised Joint Technical Document ("JTD") from the County of San Diego including an amended Report of Waste Discharge (ROWD) for the closure of the San Marcos Landfill. Under the requirements of Addendum No. 1 to Cease and Desist Order 98-39, a JTD is required to be submitted to the Regional Board no later than June 30, 2002. The Regional Board received an amended JTD/ROWD from the County of San Diego on June 28, 2002. The amended JTD/ROWD is being reviewed by the Regional Board staff to determine if it is complete.

**Prima Deshecha Landfill – Orange County** (Amy Fortin and John Odermatt)

On February 11, 2002, the Regional Board Executive Officer issued a conditional 401 Water Quality certification for the landslide remediation project (RWQCB File No. 01C-112) at the Prima Deshecha Landfill. In general, the County proposed to construct a buttress within the Prima Deshecha Cañada to remediate a massive landslide (encompassing approximately 2.5 million cubic yards) that occurred in an area formerly used to stockpile soils for use in landfill operations. The 401 Water Quality certification addressed only the project to remediate the landslide area. The 401 Water Quality certification does not constitute approval by the Regional Board for construction of a waste management unit (cell) over either the areas: (1) underlain by the buttress structure or (2) formerly included in the area occupied by the landslide itself. Both of these areas appear to be included in the proposed area for the location for the proposed Phase B waste management unit (cell).

The County of Orange submitted the Phase B Liner Construction Design Report (dated May 2002) proposing to expand the landfill into the area including the landslide and the landslide mitigation project referenced above. The County's proposal would extend

landfill operations into potentially unstable terrain (as defined in 40 CFR, Section 258.15 – Unstable areas, and referenced in 27 CCR, Section 20260 – Rapid geologic change) requiring additional assessment of slope stability issues and potential mitigation thereof. By letter dated June 13, 2002, the Regional Board staff requested that the County submit a Report of Waste Discharge (ROWD) for the proposed project. The staff letter also conveyed continuing concerns about the effectiveness of the landslide mitigation project as it relates to the permanent stability of the area underlain by the landslide. The Regional Board staff remains concerned that future movement of the landslide may compromise the integrity of a waste management unit (cell) that would be built on top of /or adjacent to the landslide. On July 2, 2002, the Regional Board staff met with the County of Orange to discuss their proposed expansion of landfill operations. The County of Orange also submitted a draft JTD/ROWD for review by the Regional Board staff.

**Anza Landfill – Riverside County** *(Amy Fortin and John Odermatt)*

The Anza Sanitary Landfill is a 50-acre facility located at 40329 Terwilliger Road in the City of Anza. The unit has an estimated capacity of 400,000 cubic yards with landfill operations occurring from 1955 until May 1999. After May 1999, the waste management unit stopped receiving waste and became an inactive facility. Currently, the landfill is an inactive, unlined facility with evidence of a release of waste constituents and the creation of a condition of groundwater pollution. The landfill is located over a fractured rock aquifer where groundwater is used to support municipal and domestic beneficial uses of drinking water. According to information provided by the County of Riverside, there may be over 100 wells, most being identified as having domestic uses, located within 1 mile of the Anza Landfill.

On June 13, 2002, the County of Riverside provided the Regional Board with two copies of revisions for the Joint Technical Document (JTD) and Report of Waste Discharge (ROWD). The revised JTD/ROWD included their written objection to payment of the required filing fee requested in our letter dated April 15, 2002. The Regional Board Executive Officer had previously notified the County of Riverside of the change in fee status (by letter February 11, 2002) and provided a detailed explanation for the assessment of filing fees. Further, attached to that letter a frequently asked questions (FAQs) sheet explaining how annual fees are assessed for facilities regulated by waste discharge requirements (WDRs) issued by the Regional Boards.

On June 24, 2002, the County of Riverside was notified that the Regional Board would be unable to further process/review the JTD/ROWD until the discharger provides the WDR filing fee (as requested in our previous letter dated April 15, 2002). The staff letter indicates that the Regional Board deems the County's current application (JTD/ROWD dated June 13, 2002) to be incomplete at this time.

**Omar Rendering Class I Landfill** *(Brian McDaniel and John Odermatt)*

The former Omar Rendering facility is located at 4826 Otay Valley Road in the City of Chula Vista. The facility operated as a Class I liquid hazardous waste disposal site from 1959 to 1978. In 1982, the Regional Board approved a closure plan for six Class I

“ponds” (surface impoundments) used for disposal of liquid waste. Closure of the surface impoundments was achieved by excavation of hazardous waste and contaminated soil. Those wastes were discharged into a Class I clay-lined waste management unit (i.e., the Class I cell) constructed in the northwest corner of the property. The former surface impoundments were covered with clean fill material and compacted. The Regional Board currently regulates monitoring and post-closure maintenance of the “Class I cell” through waste discharge requirements (WDRs) issued by the Regional Board (Order 97-40). The former owner of the property, Darling International, Inc., is currently identified as the “discharger” in Order 97-40. The property was subsequently sold to Otay Mesa Ventures (affiliated with Landbank, Inc. a subsidiary of the IT Group).

On January 30, 2001, Otay Mesa Ventures submitted documents proposing financial assurance in the amount of \$440,000 to cover potential release of waste constituents from the Class I WMU at the former Omar Rendering site. On January 29, 2002, the Regional Board staff sent a letter requesting that Landbank, Inc. demonstrate financial assurances [pursuant to requirements of CCR Title 23, Section 2520(c)] in the minimum amount of \$1 million. On February 15, 2002, the Regional Board was notified that the IT Group, Inc. filed for bankruptcy under Chapter 11 with the U.S. Bankruptcy Court for the District of Delaware [Case No. 02-10118 (MFW)]. Among the list of “debtors” included the party identified as the current owner of the Former Omar Rendering Site: Landbank Incorporated located at 141 Union Boulevard, Suite 330, Lakewood, Colorado 80228-1838.

On June 20, 2002, the Regional Board staff participated in the teleconference with the property owner (representatives of Landbank, Inc.) and State Board OCC staff. The teleconference was convened to discuss financial assurance mechanisms that are required to update current WDRs for the Class I waste management unit at the former Omar Rendering facility. The representatives from Landbank, Inc. informed the Regional Board and State Board staff that their business was purchased by the Shaw Group, Inc. The Regional Board staff is waiting to receive an updated financial assurance estimate, a commitment to establish acceptable instruments to put financial assurances into effect, and written documentation verifying the financial viability of Landbank, Inc.

**Mission Bay Landfill** (*Brian McDaniel and John Odermatt*)

The Mission Bay Landfill covers approximately 115 acres located in the southeast corner of Mission Bay Park. The City of San Diego (the “discharger”) indicates the Mission Bay Landfill was operated as an “unrestricted facility” accepting up to 25,000 cubic yards of “municipal and public refuse” per month during its operating lifetime from 1952 until 1959. Following the cessation of landfill operations, the discharger has indicated that approximately 5 to 20 feet of hydraulic fill (dredged from Mission Bay) were placed over the landfill and adjacent areas in 1962.

The Regional Board currently regulates the Mission Bay Landfill site under waste discharge requirements (WDRs) for inactive landfills (Order 97-11). An Executive Officer Report (dated July 18, 2001 see *Attachment B-15a*) was prepared describing

actions taken by the Regional Board staff in response to the proposed expansion of facilities at Sea World. The landfill continues to be a source of concern to the public/local citizens and City officials. On June 10, 2002, the San Diego Union-Tribune published a story on the threats to water quality posed by the inactive Mission Bay Landfill (see *Attachment B-15b*).

On July 2, 2002, the Regional Board staff received a telephone call from Ms. Nicole Capritz, a staff representative from Ms. Donna Frye's office. Ms. Capritz expressed her concerns about the water quality standards being used to assess groundwater data from the Mission Bay Landfill. Ms. Capritz indicated they have a high level of interest in the disposition of the Mission Bay Landfill.

**Radioactive Waste Constituents at Class III Landfills** (*John Odermatt*)

On April 25, 2002, the Executive Director of the SWRCB issued a request for the Regional Board Executive Officers to forward analytical data for certain radioactive waste constituents to the SWRCB by September 30, 2002. On May 10, 2002, the San Diego Regional Board Executive Officer issued letters requesting that information, as identified by the SWRCB, be provided for 10 facilities discharging solid wastes to land pursuant to waste discharge requirements (WDRs) in the San Diego Region. The disposal of "radioactive" waste into municipal solid waste landfills continues to receive media attention as indicated in a recent (June 24, 2002) story in the Sacramento Bee (see *Attachment B-15c*).

**Solid Waste Water Quality Assessment Test (SWAT): Vista Burn Site** (*Amy Fortin and John Odermatt*)

The Vista I Burn Site located adjacent to Loma Alta Creek in the 1300 Block of Lee Avenue in the City of Carlsbad. Entities meeting the statutory definition of "operators", as included in Water Code Section 13273.3, were identified as the City of Oceanside and the County of San Diego. On May 16, 2002 and June 5, 2002, the Regional Board Executive Officer issued letters to the "operators" requesting a Solid Waste Assessment Test (SWAT) Proposal for the Vista I Burn Site. Additional information provided to the Regional Board staff by the County of San Diego Local Enforcement Agency (LEA) appears to indicate that the Vista Sanitation District (City of Vista) also qualifies as an "operator" of the former Vista I Burn site. On June 5, 2002, the Regional Board staff also sent a request for SWAT proposal to the City of Vista.

California Water Code Section 13273 requires "operators" to submit a Solid Waste Water Quality Assessment Test (SWAT) to the RWQCB. The Vista I Burn Site was identified (Rank 15) in the original SWAT ranking of 1987. The objective of the SWAT is based upon California Water Code Section 13273, which requires site "operators" to make a determination whether a disposal site is leaking hazardous substances that may enter and degrade water resources. Additional information regarding the SWAT program may be found on the web at: [www.swrcb.ca.gov/cwphome/chap15](http://www.swrcb.ca.gov/cwphome/chap15).

On May 30, 2002, the Regional Board staff received a letter response from the County of San Diego Office of County Counsel. The written response from County Counsel clearly objects to the Regional Board identifying the County of San Diego as an "operator" for the Vista I Burn site. On June 20, 2002, the Regional Board Executive Officer issued Order R9-2002-0166 to reaffirm the identification of "operators" (pursuant to criteria of Water Code Section 13273) and reaffirm the previous requests for a SWAT proposal to be submitted to the Regional Board by August 19, 2002.

**16. Joint Aboveground Petroleum Storage Tank Inspections (Kelly Dorsey)**

In June 2002 Regional Board and U. S. Environmental Protection Agency (EPA) staff conducted joint aboveground petroleum storage tank (AST) inspections. Five inspections were conducted within the San Diego Region. The facilities inspected varied from military bases storing over 40 million gallons to small lube oil distributors storing 71,000 gallons. The Regional Board and EPA have agreed to conduct several joint inspection per year to educate the AST owner/operators, to ensure compliance with AST laws and regulations, and to reduce burden of multiple inspections on the regulated community.

**17. Status of Compliance: Mission Valley Terminal (Kelly Dorsey)**

On March 13, 2002 the Regional Board adopted Time Schedule Order No. R9-2002-0042 (TSO) which directed the Mission Valley Terminal Responsible Parties (RPs) to cleanup off-site contamination and investigate potential risks to human health and the environment. The RPs have complied with all task due dates thus far. Below is a table listing the RPs submittal record:

Description	Submittal Due Date	Date Received
Receptor Pathway Assessment Workplan	4/27/02	4/02/02
Soil Vapor Extraction Evaluation Workplan	4/27/02	3/25/02
Groundwater Extraction Evaluation Workplan	4/27/02	4/25/02
Risk Assessment Workplan	5/12/02	4/22/02
Groundwater and Contaminant Transport Model Workplan	6/11/02	6/10/02

Additionally, an agreement has been made between the RPs and the Regional Board to hire an outside risk assessment consultant to review and comment on the RPs final risk assessment report due to the Regional Board October 9, 2002. The risk assessment consultant will be funded by the RPs, however, they will take direction from and report to the Regional Board. Risk Assessment Management Group, Inc. (RAM Group) was selected from the three consultant firms that were asked to submit review proposals.

**18. Budget Trade and Gas Administrative Civil Liability Complaint – Pay For Performance (Sue Pease)**

At the May 8, 2002 Board meeting, the Regional Water Quality Control Board (RWQCB) encouraged staff to proceed with placing Budget Trade and Gas into the Pay for Performance program. Pay For Performance is a U.S. Environmental Protection Agency

(EPA) program to expedite remediation at sites contaminated with petroleum hydrocarbons. Since the May Board meeting, staff has met with Mr. Jimmy Hsu and his consultant to discuss cleanup objectives, preliminary active remediation goals (PARG's), and interim payment milestones. Staff has also discussed the proposal with the Underground Storage Tank Cleanup Fund (USTCF), and has been directed by the USTCF to have Mr. Hsu submit the cost estimate to the USTCF for their review. The USTCF also agreed that methyl tertiary butyl ether (MTBE) is the primary contaminant of concern, and that a PARG for MTBE shall be included when determining the cost estimate. Staff has sent a letter to Mr. Hsu requesting submittal of the cost estimate by August 15, 2002.

19. Superior Ready Mix Cleanup & Abatement Order (*Frank Melbourn and Mark Alpert*)

On June 27, 2002, the Executive Officer issued Cleanup & Abatement Order No. R9-2002-0141 pursuant to California Water Code section 13304, to address the discharge of rock, sediment, and other waste (waste) to the San Diego River as a result of quarry operations at Superior Ready Mix Concrete L.P. Mission Gorge Plant in San Diego.

Cleanup and abatement activities must be completed by November 1, 2002 according to a time schedule proposed by the discharger. The following documents are to be submitted by July 16, 2002: an environmental impact report; a pollution prevention plan; and a cleanup and abatement plan. The Regional Board is coordinating with the City of San Diego, County of San Diego, California Department of Fish & Game, U.S. Army Corps of Engineers, and the U.S. Fish & Wildlife Agency at the site is ongoing.

Superior has until July 25, 2002 to request a public hearing before the Regional Board to contest the issuance of this Cleanup and Abatement Order. We have not received a written response at this time.

20. Mandatory Minimum Penalties (MMP) (*Mark Alpert*) (*Attachment B-20*)

In last month's EO report under MMP, staff informed the Regional Board that while it was believed that most dischargers regulated by NPDES became aware of the new MMP law through publicity, industry associations, and professional organizations, it is possible that not all permittees, particularly those enrollees under the two general dewatering permits, would have known of the Migden law and mandatory minimum penalties until such time that staff informed them of violations subject to MMPs.

Therefore, beginning in early June we distributed a notice to all NPDES permittees and general permit enrollees a brief explanation how Mandatory Minimum Penalties contained in Water Code Section 13385 would apply to effluent limit violations. In the future, the information will be distributed to all new permittees and new enrollees of General NPDES permits. A copy of the letter is attached (B-20).

In addition, we have begun to review internal processes to ensure that new permittees have a clear understanding of how the provision regarding mandatory penalties may affect them. Staff is also developing a procedure to inform dischargers of potential MMPs



whenever violations are cited from self-monitoring report reviews and from staff sampling during compliance inspections.

21. Line E Mitigation Wetlands SEP Update (*Frank Melbourn*)

On January 9, 2002, as part of the Regional Board's adoption of a \$103,497 civil liability against William P. Johnson and North Plaza, LLC (Administrative Civil Liability (ACL) Order No. R9-2002-0007), the Board approved funding a \$45,000 supplemental environmental project (SEP) proposed by the City of Murrieta, referred to as "Line E Mitigation Wetlands. The ACL Order waived \$45,000 of the total liability if Mr. Johnson paid \$45,000 to the City of Murrieta for the development of a Wetlands enhancement project. Mr. Johnson, however, unexpectedly elected not to fund the SEP and instead submitted the entire \$103,497 liability to the State Board's Cleanup and Abatement Account.

Subsequently, on July 1, 2002, in an effort to fulfill the Regional Board's desire of funding the SEP, Staff requested that the State Water Resource Control Board direct \$45,000 from the Cleanup and Abatement Account to the City of Murrieta for completion of the Line E Mitigation Wetlands Supplemental Environmental Project. Staff will update you when the State Board has made a determination regarding this funding request.

## **PART C**

### **STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION**

1. Border and Tribal Activities (*Claudia Villacorta*) (*Attachment C-1*)

**Binational Pretreatment Policy Committee Meeting**

On July 2, the Executive Officer, Regional Board Chair Minan, State Board Member Silva and staff participated in the Binational Pretreatment Policy Committee Meeting, held for the first time at the Regional Board office. The purpose of the meeting was to discuss and finalize the bylaws on data management and data exchange protocols for the Tecate and Tijuana Industrial Wastewater Monitoring and Pretreatment Programs. The bylaws were adopted and signed by Policy Committee members. A copy of the bylaws is attached (C-1).

During this meeting, a status report on the Tijuana and Tecate Pretreatment Programs was also presented to the Committee members. The City of San Diego and the Baja California Department of Ecology (DGE) provided a brief summary of the most recent monitoring results and enforcement actions.

2. City of San Diego Petition-RB Response to the Petition and the Administrative Record. (*David Hanson*)

On May 9, 2002 the City of San Diego filed a Petition for Review of Order No. R9-2002-0025 with the State Board Office of Chief Counsel (OCC). The Order, adopted by the Regional Board on April 10, 2002, contains waste discharge requirements for the City of

San Diego's E.W. Blom Point Loma Metropolitan Wastewater Treatment Plant discharge to the Pacific Ocean through the Point Loma Ocean Outfall.

A letter dated May 24, 2002 from the State Board OCC requesting that the Regional Board file the administrative record by June 13, 2002 was received on June 4, 2002. By letter dated June 6, 2002, the Regional Board requested that the time allowed for filing the administrative record and a written response to the Petition be extended to July 5, 2002. The State Board OCC subsequently granted the request in a letter dated June 13, 2002.

The Regional Board submitted the administrative record and response to the Petition for Review to the State Board OCC on July 2, 2002. A copy of the Petition and our response will be provided to the Regional Board members under separate cover.

3. Underground Storage Tank System Field-Based Research Project Report (*Barry S. Pulver*) (*Attachment C-3*)

The California State Water Resources Control Board (State Board) issued on May 31, 2002, a report titled, "Underground Storage Tank System Field-Research Project Report." A copy of this report is attached. This report described the results of the Field-Based Research Project conducted by the State Board to quantify the incidence and environmental significance of unauthorized releases from petroleum underground storage tank (UST) systems meeting the 1998 upgrade requirements. A total of 182 UST systems were tested in Sacramento County, Yolo County, San Diego County, and Riverside County. Tracer Research Corporation developed and conducted the Enhanced Tracer Tight® leak detection test used in the study. It involves inoculating petroleum in a UST system with a tracer that can be detected in the soil vapor should a leak occur. This test method was designed to meet the 0.005 gallons per hour leak detection requirement for an enhanced leak detection test as specified in section 2644.1, Chapter 16, Title 23 of the California Code of Regulations.

Tracer chemicals were detected in the soil vapor at 61 percent of the UST systems tested statewide. The majority of the vapor releases came from the upper portions of the tank ends nearest the fill risers. The vast majority of the releases are estimated to have been smaller than 0.04 gallons per day. The frequency of detectable tracer releases was statistically indistinguishable between double-walled, single-walled, and hybrid UST systems. It should be noted that the releases detected using the Enhanced Tracer Tight® leak detection method **would not** have been detected using the current leak detection methods with performance standards of 2.4 gallons per day.

These relatively small, unauthorized releases may be potential threats to water quality, especially with respect to the fuel oxygenate methyl tertiary butyl ether (MTBE). The extent to which these releases may impact water quality depends on the length of time the release is occurring, the rate at which water infiltrates to the water table, the site geology, and the distance to sensitive receptors, such as groundwater production wells.

4. Clean Water Act Section 303(d) List of Impaired Waters - 2002 Update and Statewide Listing Guidance (*James Smith*)

On June 15, 2002 the State Water Resources Control Board (SWRCB) closed the "extended" public solicitation of water quality data and information for the statewide Section 303(d) list of impaired waters. This date also marked the close of the SWRCB hearing record on the matter. On June 27, 2002 SWRCB requested that Regional Boards begin review of the new data and information. Regional Board listing recommendations on the new data are due to SWRCB by July 19, 2002.

The SWRCB is currently compiling the public comments on the draft statewide Section 303(d) list into a database. SWRCB will take the lead in responding to all comments in consultation with the Regional Boards. Approximately 26 comment letters regarding Region 9's recommended list have been submitted to SWRCB. We are currently in the process of reviewing these letters.

In related matters, we recently submitted comments on the SWRCB's draft "Framework for Developing California's 303(d) List" to the statewide Regional Board 303(d) List Advisory Group. The group was formed to help the SWRCB respond to Senate Bill 469, which mandates development of statewide Section 303(d) listing guidance. The SWRCB has taken the lead in writing the guidance document with Regional Board input and direction. The Advisory Group will continue to meet and discuss issues as specific criteria and language are developed.